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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,480	01/23/2004	Naohiko Otake	247954US6	4939
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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER	
			AMADIZ, RODNEY	
			ART UNIT	PAPER NUMBER
			2629	
			NOTIFICATION DATE	DELIVERY MODE
			05/03/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/762,480	Applicant(s) OTAKE ET AL.	
	Examiner Rodney Amadiz	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/2/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck et al. (U.S. Patent 6,977,811—hereinafter “Fleck”) in view of Dow et al. (U.S. Patent 7,038,717—hereinafter “Dow”) and in further view of Nakae et al. (USPGPUB 2004/0166829—hereinafter “Nakae”).

As to **Claim 1**, Fleck teaches an information processing apparatus comprising: a display (**Fig. 1, Reference Number 108**); a common button functioning as an activation button for activating a predetermined program (**Fig. 3 and Col. 6, lines 18-24—note common buttons: “e-mail”, “calendar”, “web”, “contacts”, “word”, “desktop”, “shut dn”, “fn lock”, power, “home”, “end”**); and at least one cursor key for selecting an item (**Fig. 3, Reference Numbers 300, 302, 304, 306 and 308 and Col. 4, lines 40-58**), wherein the common button and the cursor key are provided near one end in an axial direction of a hinge between the display and a keyboard (**Figs. 1 and 3—note position of common buttons and cursor keys 302-308 near the hinge**).

Fleck, however, does not specifically teach of the hinge having a hinge pin. However, hinges used for laptop computers are well known to have hinge pins, which are an essential part of the common hinge, for which the examiner takes Official Notice.

Art Unit: 2629

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the hinge pins in the hinges of Fleck because hinge pins are well known in the art of portable or laptop computers, as well as a broad range of other applications, to be used in hinges for multiple uses, including laptops, to open and close the computer structure.

Fleck also fails to teach the common button having the secondary function for determining an item selected from options appearing on the display while the predetermined program is activated as well as the cursor key selecting an item from the options appearing on the display. Examiner cites Dow et al. to teach a common button for determining an item selected from options appearing on the display while the predetermined program is activated (**Fig. 1A, Reference Numbers 26, 34, 36 or 38 and Col.3, lines 37-45 and Col. 9, lines 27-40**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate button reuse as taught by Dow et al. in the information processing apparatus taught by Fleck so that the apparatus may be faster and more convenient to use due to the lack of an enter button (**Dow et al.—Col. 9, lines 35-37**).

Finally, Fleck teaches several common/function keys (**Fig. 3—"e-mail", "calendar", "web", "contacts", "word", "desktop", "shut dn", "fn lock", power, "home", "end"**) located across the surface of the information processing apparatus. Fleck, as modified by Dow, however, fails to teach the common/function keys encircling the at least one cursor key. Examiner cites Nakae to teach an information processing apparatus (**Fig. 1A**) wherein a ring of common/function keys (**14a, 14c, 14e, 14g and**

14h) encircles a cursor key (**14b**). At the time the invention was made, it would have been obvious for a person of ordinary skill in the art to encircle cursor keys with common/function keys as taught by Nakae in the information processing apparatus taught by Fleck, as modified by Dow, in order to make the device more compact by place the keys in close proximity to the cursor keys; thereby providing quicker access to the common/function keys as well as providing the ease of manipulating the common/function keys and cursor keys with one digit of a hand (**Nakae—See Fig. 1A**).

As to **Claim 2**, Fleck et al. teaches a pointing device configured to move a pointer appearing on the display in a desired direction, wherein the pointing device is adjacent to the common button (**Fleck—Fig. 3, Reference Number 300--note position of pointing device relative to hot keys and Col. 4, lines 42-45 and 50**).

As to **Claim 3**, Fleck et al. teaches the at least one cursor key includes a plurality of cursor keys (**Fleck et al.—Fig. 3, Reference Numbers 300, 302, 304, 306 and 308**) arranged around a perimeter of the pointing device (**300**). The resulting combination of Fleck and Dow combined with Nakae yields that the common button is arranged outside a perimeter of the plurality of cursor keys (**Fleck et al.—Fig. 3, note position of cursor keys, pointing device and common key—"desktop"—Also note the position of common keys in Nakae in relation to the cursor key, which is what Fleck would resemble when modified**).

As to **Claim 5**, Fleck teaches at least one auxiliary input key configured to input a first character when the predetermined program is not activated and to input a second

character when the predetermined program is activated (**Note auxiliary input keys 110**).

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck, Dow and Nakae as applied to claims 1-3 and 5 above, and further in view of Harada et al. (U.S. Patent 6,072,647—herein referred to as “Harada”).

As to **Claim 4**, Fleck, as modified by Dow and Nakae, fails to teach a switch button configured to switch a direction of the display, wherein the switch button is adjacent to the cursor key. Examiner cites Harada to teach a switch button (**Fig. 9, Reference Number 65B**) configured to switch a direction of the display (**Col. 11, lines 19-30**), wherein the switch button is adjacent to a cursor key (**Fig. 9, note switch key 65B adjacent cursor key 80A**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the use of a switch button as taught by Harada in the information processing apparatus taught by Fleck, Dow and Nakae in order to display an image in portrait or landscape (**Col. 13, lines 17-21**).

Fleck, as modified by Dow and Nakae, teaches several keys in the ring of keys (**see claim 1**); however, they fail to teach the ring of keys including the switch button. However, the specification shows no apparent benefits from having the switch button in the ring of keys. Therefore, having the switch key in the ring of keys is clearly a design choice based on the specific requirement of the claim. Furthermore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to

Art Unit: 2629

incorporate any function of key, including that of a switch key, in the information processing apparatus taught by Fleck, as modified by Dow and Nakae, since this would help the user easily locate and press the key being that it would be nearby the cursor keys; thereby providing quicker access to that key.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck, Dow and Nakae as applied to claims 1-3 and 5 above, and further in view of Shiono et al. (USPGPUB 2005/0188001—hereinafter “Shiono”).

As to **Claim 6**, Fleck teaches a mouse button set (**Fig. 3, Reference Numbers 310 and 312 and Col. 6, lines 8-17**) including a left button configured to operate as a first function button (**310**); and a right button configured to operate as a second function button (**312**), wherein the mouse button set is located near an opposite end from the common button and the cursor key in the axial direction of the hinge pin between the display and the keyboard (**Note location of mouse button set in Figure 3**).

Fleck, as modified by Dow and Nakae, fails to teach the mouse button set including a center button configured to scroll a screen appearing on the display. Examiner cites Shiono to teach a mouse button (**Fig. 3, Reference Numbers 23A-C**) set including center button configured to scroll a screen appearing on the display (**Fig. 3, Reference Numbers 23C and Pg. 2, ¶ 47**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the use of a center mouse button which is configured to scroll a screen appearing on the display as taught by Shiono in the information processing apparatus taught by Fleck, as modified by Dow

and Nakae, in order to add functionality to the apparatus when using the left hand to operate the display.

Response to Arguments

5. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

6. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on April 2, 2007 has been entered.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney Amadiz whose telephone number is (571) 272-7762. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone

Art Unit: 2629

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RA-

R.A.

4/13/07

Division 2629



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